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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)

Advanced Television Systems)
and Their Impact Upon The)
Television Broadcast Service)

MM Docket No. 87-268

To: The Commission

COMMENTS OF GOLDEN ORANGE BROADCASTING CO., INC.
TO SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

Golden Orange Broadcasting Co., Inc. ("Golden Orange"), licensee of independent UHF Television Broadcast Station KDOC-TV, Anaheim, California, hereby submits its comments to the Commission's Second Further Notice of Proposed Rule Making (FCC 92-332), released August 14, 1992 (the "NPRM"), in the above-captioned matter regarding implementation of Advanced Television ("ATV") service. In support thereof, the following is set forth.

ATV Allotment Objectives

1. The Commission proposes to allot ATV channels on the basis of the following four principal objectives:

- a) Full Accommodation. All existing NTSC stations and applicants who are eligible for ATV channels will receive an ATV channel allotment;
- b) Maximize ATV Service Areas to the Extent Possible. All ATV stations would have a minimum service area radius of at least 55 miles (85-90 km) from the station's transmitter site (allocation or pairing

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of ATV channels with existing NTSC channels so as to provide ATV coverage comparable to or closely replicating existing the NTSC coverage area is deemed impracticable);

- c) All UHF Channels. Generally, ATV channels would be allotted exclusively to the UHF band (in those instances where ATV VHF allotments are necessary to achieve full accommodation of existing stations, as NTSC UHF allotments are vacated, those ATV VHF allotments would be converted to ATV UHF allotments); and
- d) ATV Allotment Preference. In situations where a choice must be made between providing greater service area for a new ATV allotment or minimizing interference to an existing NTSC allotment, the ATV allotment would be given priority subject to the condition that during the transition period from NTSC to ATV a short-spaced ATV station would have to protect an existing NTSC station from interference.

2. Golden Orange generally supports the Commission's ATV allotment objectives. Golden Orange is especially supportive of the Commission's goal to generally restrict ATV allocations to the UHF band (preferably contiguous and uninterrupted spectrum) which, over time, will lead to less expensive television receivers,

antennas and converter designs than would be the case if both VHF and UHF bands were utilized. Indeed, every effort should be made to make no VHF ATV allocations whatsoever, even on an interim basis, so that the public can realize at an early date the cost savings which would flow from simplified single band receivers and antennas. Moreover, an all UHF ATV service would be spectrum efficient and free up the VHF band for other communications uses.

3. Golden Orange is very concerned, however, that ATV channel allotments not be assigned by the Commission on a "first-come first-served" basis, particularly since that method may not serve the public interest. The frequency stampede that the Commission seeks to avoid will become a practical fact, given a priority selection on the basis of early application. Several working committees in large metro areas have already formed in search of a satisfactory channel plan for their areas. Golden Orange advises that, in keeping with the preferred policy of the Commission that agreement be sought between area stations, the Commission ought to attempt to identify and establish a liaison with these groups. This approach will give some guidance to the conversion process by disclosing the fixed and flexible parameters and providing a timetable for achieving a satisfactory local band plan. We feel that these committees will be able to offer some creative solutions to a very complex problem, and deliver an industry consensus enabling a more speedy conversion.

4. Golden Orange recommends that the allocation of channels in the largest metro areas become the highest priority of the conversion process. Selection of channel assignments in the highest density markets is complicated by the large number of stations to be accommodated, requiring the highest flexibility of selection. The interleaved adjacent markets can far more easily select channels for conversion, and still retain full accommodation.

5. To ease conversion of VHF NTSC stations to UHF ATV stations, the Commission could consider an ATV channel numbering plan that would permit existing VHF stations to take advantage of the channel number recognition associated with their VHF channel allocation in identifying their UHF ATV station; for example, VHF Channel 5 might be permitted to identify itself as ATV Channel A5.

Technical Policies and Criteria

Affecting ATV Allotments

6. In order to accommodate all existing NTSC stations with an ATV channel, the Commission proposes minimum co-channel separation of 125 miles (200 km) for ATV to ATV channels and 115 miles (184 km) for ATV to NTSC channels; minimum separation requirements for adjacent channel stations, both ATV to ATV and ATV to NTSC, would be more than 55 miles (88 km) or less than 5 miles (8 km). The UHF taboo channel spacing requirements would be completely eliminated for ATV channels, but not for NTSC channels during the transition period.

7. The Commission believes that the ATV systems now undergoing tests and evaluation will be able to operate with the above-mentioned minimum spacings and, to the extent possible, the Commission will attempt to provide minimum separation, up to a distance of 155 miles (250 km) between ATV co-channel allotments. Nevertheless, the Commission anticipates that in some instances it may be necessary for some ATV allotments, particularly in television markets such as New York and Los Angeles where there are large numbers of existing NTSC stations, to be made at less than minimum ATV-ATV co-channel spacings. While Golden Orange submits that a short-spaced allotment is preferable to no allotment, nevertheless, short-spaced stations will inherently be at competitive disadvantage; perhaps the Commission could make such situations more palatable by permitting affected stations more flexibility in implementing ATV operations, as discussed below, or permitting a short-spaced ATV station to receive consideration for not implementing its ATV channel.

8. Short-Spaced Allotments. Golden Orange supports the Commission's proposal to avoid short-spaced ATV allotments except as may be necessary to accommodate all existing NTSC stations with an ATV channel. With respect to NTSC-ATV short-spacing, Golden Orange agrees with the Commission that during the ATV transition period, the ATV station must protect the NTSC station from interference, especially since these short-spaced situations are transitory and would be eliminated once NTSC operations are

discontinued. As to short-spaced ATV-ATV situations, Golden Orange submits that the Commission should permit short-spaced stations to negotiate an agreement whereby one station would defer its implementation of an ATV channel until such time as a fully-spaced NTSC UHF channel becomes available in the course of the ATV transition process. Thus, in instances of an ATV-ATV short-spacing, stations should have the option of deferring the process of applying for and constructing an ATV facility, without risk of having short-spaced allotments deleted from the ATV Table of Allotments, pending the availability of a suitable fully spaced ATV allotment which can be substituted for the short-spaced ATV allotment.

9. ATV Allotment Reference Point. The Commission proposes to allot ATV channels by using the location of existing NTSC transmitter sites (to include an area within a 3 mile radius of the NTSC transmitter site) as ATV channel allocation reference points; the Commission believes that this method would facilitate more efficient spacing of ATV allotments and ensure that, where feasible, broadcasters could realize cost savings through collocation of their NTSC and ATV operations. While collocation of NTSC and ATV transmitters may likely be the most common scenario, there are some instances where non-located sites might better serve the public. Indeed, the Commission would permit an ATV channel allotment at a site different from the NTSC transmitter location provided that such ATV transmitter site meets the minimum

ATV spacing requirements and would permit the ATV station to serve its community of license.

10. Golden Orange enthusiastically supports the Commission's proposal, especially that portion which would permit an ATV station licensee to operate at a site different from that of its NTSC transmitter. Golden Orange feels that an alternate ATV transmitter site ought to be authorized provided that the city of license receives equal or greater signal strength from the ATV site than it receives from the current NTSC site and the potential interference anticipated from the ATV site is no greater than that from the NTSC site. Golden Orange sees no reason why a station ought not to utilize the most favorable transmitter site for service to its city, especially if potential interference is reduced in the selection of sites. In some cases, location of the ATV transmitter at a location other than the location of the NTSC transmitter may be essential to the success of the ATV operation and for service to the city of license.

11. Land Mobile Sharing Channels. The shared use of UHF Channels 14-20 for land mobile operations is permitted by the Commission in 13 urbanized areas, Hawaii and the Gulf of Mexico off-shore region. The Commission proposes to continue this shared use arrangement, permitting ATV channels to operate on minimum spacings to the city-center of land mobile operations as close as 155 miles (250 km) for co-channels and 110 miles (176 km) for adjacent channels; some short-spaced situations, however, may be

required in order to accommodate all current NTSC stations with an ATV channel allotment.

12. Golden Orange submits that, in view of the Commission's goal that ATV service be confined exclusively to the UHF spectrum, thereby freeing up VHF spectrum for other communication users, once the transition from NTSC to ATV service has been completed, the Commission should terminate the sharing of UHF Channels 14-20 with land mobile users and shift such land mobile users to a portion of the VHF spectrum vacated by NTSC stations. Unless television stations ultimately regain exclusive use of UHF Channels 14-20, there will be virtually no opportunity in these 13 highly populous urbanized areas where shared use land mobile operations are permitted for additional ATV expansion or accommodation of displaced low power television and television translator facilities. As there is currently significant usage of low power television and television translator stations for providing foreign language and minority niche programming, any displacement of such facilities would have a disproportionate impact on minority programming; Golden Orange submits that this result would be inconsistent with the public interest.

Conclusion

13. A single, contiguous, and complete broadcast TV band ought to be the overriding channel assignment goal of the ATV conversion process. Golden Orange asks the Commission to seriously adopt the prospective of the year 2,010. Planning must be specific

as to the form of the television band once the conversion process is complete. In order to gain any consensus in the industry, the clear vision of the finished product is essential. For this reason, we strongly recommend that the Commission assign ATV channels in a manner which will permit eventual consolidation into an orderly numbering scheme of channels for a contiguous and uninterrupted UHF Advanced TV band. Golden Orange also supports the Commission's implied flexibility with regard to transmitter locations, allowing the best location for service to the city of license, especially when such a location reduces the potential for interference.

Respectfully submitted

GOLDEN ORANGE BROADCASTING CO., INC.

By: Calvin C. Brack
Calvin C. Brack
Secretary-Treasurer

October 26, 1992